

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

WESTGATE RESORTS LTD., et al.,)	No. 2:19-mc-00058-RSL
)	
Plaintiffs,)	
v.)	Underlying Case: Middle District of Florida,
)	6:18-cv-01088-GAP-DCI
Reed Hein & Associates, LLC, doing)	
business as Timeshare Exit Team, et al.,)	
Defendants,)	STIPULATED MOTION TO TRANSFER
)	CASE TO ORIGINATING COURT
v.)	(MIDDLE DISTRICT OF FLORIDA)
)	
In re Schroeter, Goldmark, & Bender PS,)	NOTE ON MOTION CALENDAR:
)	June 18, 2019
Third-party Subpoena)	
Recipient)	

Pursuant to Rule 45(f) of the Federal Rules of Civil Procedure and in accordance with LCR 7(d)(1) and 10(g), the Plaintiffs Westgate Resorts, Ltd., et al. ("Westgate"), and the non-party, Schroeter, Goldmark, & Bender PS ("SGB"), file this Stipulated Motion to Transfer SGB's Non-Party Motion to Quash, Or, In the Alternative, to Modify the Plaintiffs' Subpoena to Produce Documents ("Motion to Quash") (Dkt. 1) to the originating Court.

1 1. SBG filed this action pursuant to its Motion to Quash a subpoena for documents
2 served by Westgate that originated from the above-referenced and underlying civil action pending
3 in the United States District Court for the Middle District of Florida (the "Florida Case"). The
4 Motion was filed in this Court pursuant to Rule 45(d)(3)(A) of the Federal Rules of Civil
5 Procedure.

6 2. SGB, a Washington law firm, was formerly a defendant in the Florida Case
7 represented by the same Florida attorneys initiating this action through local counsel. SGB has
8 since been dismissed with prejudice from the Florida Case.

9 3. Westgate claims that its subpoena seeks documents relevant to its claims in the
10 Florida Case against Reed Hein & Associates, LLC, d/b/a Timeshare Exit Team ("TET"), for
11 alleged false, misleading, and deceptive advertising and tortious interference with Westgate's
12 contracts with timeshare owners who use TET's timeshare "exit" services, including
13 communications with law firms such as SGB.

14 4. Through its Motion, SBG seeks to quash or modify Westgate's subpoena generally
15 on two grounds: (1) that it is overly broad and imposes an undue burden on SGB; and (2) that it
16 seeks documents SGB contends are protected by the attorney-client and/or work product
17 privileges, pursuant to assertions by SGB of having rendered legal services for timeshare owners
18 who were customers of TET and who authorized TET as their attorney-in-fact to retain SGB as
19 legal counsel on their behalf.

20 5. Since this action was commenced, counsel for Westgate and SGB have conferred
21 by telephone on several occasions and resolved all issues raised by the Motion except for the
22 claims of privilege, which they agree would most effectively and efficiently be resolved in the
23 Florida Case because:

24 a. The district judge in the Florida Case, Hon. Gregory Presnell, has previously
addressed privilege issues raised by both SGB and TET to withhold discovery sought by another

1 timeshare company. *See Orange Lake County Club, Inc., et al. v. Reed Hein & Assocs., LLC, et al.*,
2 Case No. 17-cv-1542-Orl-31DCI (M.D. Fla.) ("*Orange Lake*").¹

3 b. SGB is actively defending claims asserted against it in a third civil action against
4 TET pending before Judge Presnell, *Wyndham Vacation Ownership, Inc. et al v. Reed Hein &*
5 *Assocs. LLC*, Case No. 18-cv-02171-ORL-31DCI. SGB anticipates asserting similar claims of
6 privilege in that case and likely requiring a ruling from Judge Presnell.

7 c. In addition to the three above-referenced civil actions pending against TET, Judge
8 Presnell, as well as Magistrate Judge Daniel C. Irick, have presided over other civil actions
9 brought by timeshare companies including Westgate against other timeshare "exit" companies or
10 law firms allegedly retained on behalf of timeshare owners over the past two years. As such, they
11 have become intimately familiar with the various facts, claims, defenses, and discovery issues
12 arising from this particular "brand" of litigation, as well as many of the applicable parties and their
13 attorneys, including the undersigned.

14 6. Accordingly, Westgate and SGB respectfully submit the transfer of SGB's Motion
15 to Quash to the Middle District of Florida would further the interests of judicial economy and
16 protect against the possibility of inconsistent rulings by consolidating all of SGB's claims of
17 privilege before a single court that has previously addressed some of the same or similar issues and
18 likely will do so again in another pending case.

19 7. Westgate and SGB further submit that the transfer of SGB's Motion to Quash to the
20 originating Court is appropriate pursuant to Rule 45(f) of the Federal Rules of Civil Procedure. As
21 the party subject to the subpoena, SGB, consents to the transfer; the parties are currently
22 represented by Florida counsel both in this matter and in other cases pending in the Middle District
23 of Florida. Therefore, no prejudice would result from the transfer of these proceedings to that
24 originating Court.

¹ SGB was also dismissed with prejudice in *Orange Lake* pursuant to a confidential settlement
arising from a joint mediation of *Orange Lake* and the Florida Case.

1 WHEREFORE, Westgate and SGB respectfully move for the entry of an Order by this
2 Court transferring this miscellaneous action to the Middle District of Florida to permit a ruling by
3 that originating Court on all unresolved issues raised by SGB's Motion to Quash. Pursuant to LCR
4 3(i), the parties understand that the transfer of this miscellaneous action to another district shall
5 become effective 14 days after the date the order is filed.

6 Respectfully submitted this 18th day of June, 2019.

7 **KLINEDINST PC**

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ORDER

Pursuant to stipulation, the request for transfer to the U.S. District Court for the Middle District of Florida is granted.

SO ORDERED this 19th day of June, 2019.



Honorable Robert S. Lasnik
UNITED STATES DISTRICT JUDGE